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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

Applicant: R. LEVKOVITZ, et al.
 Serial Number: 09/403,220
 Filed: December 20, 1999
 For: DIRECT TOMOGRAPHIC RECONSTRUCTION
 Art Unit: 2623
 Examiner: Mehrdad DASTOURI

Mail Stop AF
 Honorable Commissioner of Patents and Trademarks
 P.O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE AFTER FINAL

Sir:

Further to a Final Office Action dated December 18, 2003, an Interview between Examiner Dastouri and the undersigned, on June 9, 2004, and a subsequent *unentered* amendment, the following are applicants remarks.

REMARKS

The application now contains claims 1-35.

Claims 1 and 3-9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hasegawa et al. Applicants respectfully traverse this rejection.

Claims 2 and 10-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hasegawa in view of Hudson et al. Applicants respectfully traverse the rejection.

In particular, the prior art does not explicitly teach that individual events or unbinned events are used in the reconstruction. The previous Examiner's reliance on Hasegawa's ability to discern individual nuclear or other events is misplaced. In fact, Hasegawa utilizes a different metric than "individual events" namely, "photons per unit time." In order to utilize the metric "photons per unit time, it is necessary to collect the photons in groups (binning). Furthermore, the very concept of events per unit time is the antithesis of utilizing individual or unbinned events.

At the interview the undersigned suggested that applicants would consider replacing "radiation events" with "nuclear events" in the claims, if this would result in allowance. Applicants had done so in the unentered amendment, for those claims that were not so limited.